



2024:DHC:8878-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 12.11.2024***

+ W.P.(C) 15274/2024

NAGESH RATAN DABERAO

.....Petitioner

Through: Mr. Nikunj Arora and Mr. Biny
Chopra, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Jitesh Vikram Srivastava,
SPC with Mr. Prajesh Vikram
Srivastava, Adv. with Mr. Ajay
Pal, AC (Legal Officer) and Mr.
Shiv Kr. Singh, SI, CRPF.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 64211/2024**

1. Allowed, subject to all just exceptions.

W.P.(C) 15274/2024

2. This petition has been filed by the petitioner challenging the medical reports of the Detailed Medical Board Examination dated 26.06.2024, and the Review Medical Board dated 28.06.2024, whereby the petitioner was declared medically unfit by the respondents for appointment to the post of Constable (GD).

3. Issue notice.

4. Notice is accepted by Mr. Jitesh Vikram Srivastava, learned



counsel appearing on behalf of the respondents.

5. It is the case of the petitioner that pursuant to the notification issued by the respondent no.2, that is, the Central Reserve Police Force (in short, 'CRPF') in June, 2024, and having qualified the Physical Efficiency Test and the Physical Standards Test on 24.06.2024, the Detailed Medical Examination of the petitioner was held, wherein the petitioner has been declared medically unfit for appointment with the opinion that he is suffering from '*Pilonidal Sinus*' and being Overweight, weighing 86 Kgs with a BMI of 26.3. This finding was upheld by the Review Medical Examination held on 28.06.2024.

6. The learned counsel for the petitioner submits that as far as the finding of the '*Pilonidal Sinus*' is concerned, the petitioner got himself examined at the All India Institute of Medical Sciences, Nagpur (in short 'AIIMS') and it has opined as under:-

“SINUS NOTED IN THE PILONIDAL REGION LIKELY CONGENITAL, NOT PILONIDAL SINUS AND REQUIRES NO TREATMENT SINCE GRADE 1 INTERSPHINCTERIC FISTULA IS ASYMPTOMATIC, REQUIRES NO ACTIVE TREATMENT PATIENT CANNOT BE DEEMED UNFIT W/O PILONIDAL SINUS AND GRADE 1 INTERSPHINCTERIC FISTULA”

7. The learned counsel for the petitioner submits that, in view of the above opinion of the AIIMS, Nagpur the petitioner has wrongly been declared medically unfit for appointment.



2024:DHC:8878-DB



8. As far as the petitioner being overweight is concerned, the petitioner claims that he got himself examined at a clinic in Sahgaon, Maharashtra, and his weight was found to be 78 kgs with a BMI of 23.56, which is within the permissible limits of the deviation from the prescribed weight.

9. On the other hand, the learned counsel for the respondents submits that, as far as the medical opinion of the AIIMS, Nagpur is concerned, the same cannot be treated as binding on the respondents, as entry into armed forces would require application of stringent medical standards.

10. He further submits that the weight of the petitioner was taken by a clinic after a period of more than three months and, therefore, cannot be relied upon to challenge the findings of the Medical Boards of the respondents.

11. We have considered the submissions of the learned counsel for the parties and find merit in the submissions made by the learned counsel for the respondents.

12. In the present case, even if this Court were to agree with the submission of the learned counsel for the petitioner that the condition of the petitioner of '*Pilonidal Sinus*' could not act as a disqualification for the petitioner, the fact remains that he was over-weight on the date of his examination by the Medical Board(s). Merely because he could bring his weight down in a period of three months, would not make him qualified for appointment. The qualification cannot be a dynamic exercise to be achieved at any point of time.

13. Accordingly, we do not find any merit in the present petition.



2024:DHC:8878-DB



The same is dismissed.

14. Needless to state that the disqualification suffered by the petitioner was only for the examination in question and would not act as a disqualification if the petitioner applies in any future recruitment exercise.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 12, 2024/sds/KM/DG

Click here to check corrigendum, if any